



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE August 18, 2006 LOCAL EFFECTIVE DATE September 2, 2006 APPROX FINAL EFFECTIVE DATE September 22, 2006	CONTACT/PHONE Mike Wulkan, Project Planner 805-781-5608	APPLICANT Andrew Batty	FILE NO. DRC2004-00111
SUBJECT Request by Andrew Batty for a Minor Use Permit/Coastal Development Permit to allow development of a two-story, approximately 2,500 square-foot single-family dwelling, including an attached garage and an off-site driveway and turn-around area. The project also includes a request for an adjustment pursuant to Coastal Zone Land Use Ordinance Section 23.07.174 of the required riparian setback from Little Cayucos Creek by allowing temporary excavation no closer than 18 feet from the edge of riparian vegetation, two feet beyond the required 20-foot setback as specified in the Estero Area Plan. The project will result in the disturbance of approximately 3,600 square feet of a 15,000 square-foot parcel, and disturbance of approximately 1,230 square feet of adjacent 12,750 and 7,500 square-foot parcels. The proposed project is within the Residential Multi-Family land use category and is located directly to the rear (east of) of 398 D Street in the community of Cayucos. The site is in the Estero Planning Area.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit DRC2004-00111 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. A Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 6, 2006 for this project (ED05-060). Mitigation measures are proposed to address cultural resources and noise, and are included as conditions of approval.			
LAND USE CATEGORY Residential Multi-Family, Recreation	COMBINING DESIGNATION Local Coastal Program, Archaeologically Sensitive Area, Flood Hazard, SRA-ESHA: Streams and Riparian Vegetation	ASSESSOR PARCEL NUMBER 064-034-011	SUPERVISOR DISTRICT: 2
PLANNING AREA STANDARDS: Cayucos Urban Area Standards: Communitywide #2: Setbacks – Communitywide; Combining Designations: Sensitive Resource Area #1: setbacks – coastal streams; RMF #2: Height limitation <i>Does the project meet applicable Planning Area Standards? Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Sections 23.01.043: Appeals to the Coastal Commission (Coastal Appealable Zone); 23.05.044 and 23.05.050: Drainage Plan and Standards; 23.07.060: Flood Hazard Area; 23.07.104: Archaeologically Sensitive Area; 23.07.120: Local Coastal Program; 23.07.166: Minimum Site Design and Development Standards (SRA); 23.07.170 et seq.: Environmentally Sensitive Habitats, including Section 23.07.174d.(2): riparian habitat setback adjustment <i>Does the project conform to the Coastal Zone Land Use Ordinance Standards? Yes - see discussion.</i>			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.	
EXISTING USES: Undeveloped, sheds	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Multi-Family (RMF)/undeveloped <i>East:</i> RMF/residential <i>South:</i> RMF/residential <i>West:</i> RMF/residential	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Cayucos Citizens Advisory Council, Public Works, Cayucos Fire Protection District, Cayucos Sanitary District, Paso Robles Beach Water Association, and the California Coastal Commission.	
TOPOGRAPHY: Nearly level, Little Cayucos Creek crosses site	VEGETATION: Riparian, ruderal, ornamental vegetation
PROPOSED SERVICES: Water supply: Paso Robles Beach Water Association Sewage Disposal: Cayucos Sanitary District Fire Protection: Cayucos Fire Protection District	ACCEPTANCE DATE: August 3, 2005

DISCUSSION

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Section 23.01.043: Appeals to the Coastal Commission (Coastal Appealable Zone)

The project is appealable to the Coastal Commission because the site is within 100 feet of a mapped coastal stream.

Sections 23.05.044 and 23.05.050: Drainage Plan and Standards,

Section 23.07.060: Flood Hazard Area

Drainage plan approval is required where any portion of the proposed site is located within a Flood Hazard combining designation, and specified construction standards apply to new development within the combining designation. "Best management practices" are also required to address polluted runoff. The proposed residential structure will be also subject to the Flood Hazard Area standards of the Coastal Zone Land Use Ordinance. Those standards include a requirement that the ground floor be constructed at least one foot above the 100-year storm flood profile level, which in this case is 26 feet NGVD per FEMA map 338c. Accordingly, a drainage plan is required as a condition of approval, as are implementation of "best management practices" and certification of the ground floor elevation above the 100-year flood profile level. A sedimentation and erosion control plan is also required. Therefore, as conditioned, the project complies with these standards.

Section 23.07.104: Archaeologically Sensitive Area

A preliminary site survey is required prior to the issuance of a land use or construction permit in order to determine the likelihood of the existence of resources, and a mitigation plan is to be approved in the event that there are impacts to resources. In the event archaeological resources are discovered during construction, construction activities shall cease and the other standards specified in Section 23.05.140 shall apply. In this case, Clay Singer, a qualified professional archaeologist, conducted Phase I and supplemental Phase I surface surveys for the property on January 24 and July 11, 2005, respectively. The supplemental survey included excavation of five holes and evaluation of the excavated soils. No evidence of cultural materials was noted on the property. However, a recorded archaeological site is in close proximity to this site, according to the archaeologist, and archaeological resources could be encountered during excavation. Therefore, the conditions of approval of this project include monitoring by a qualified archaeologist during grading and earth disturbing activities in order to reduce potential impacts to prehistoric cultural resources to a level of insignificance. In addition, the conditions of approval require that in the event that archaeological resources are discovered during construction, construction activities shall cease, and the Planning and Building Department (and in the event of human remains, the County coroner) shall be notified so that resources can be recorded and their disposition handled in accordance with state and federal law. Therefore, as conditioned, the project complies with this standard.

Section 23.07.120: Local Coastal Program

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Section 23.07.166: Minimum Site Design and Development Standards (SRA); Section 23.07.170 et seq.: Environmentally Sensitive Habitats

The Sensitive Resource Area (SRA) standards require that sensitive vegetation shall not be disturbed by construction or by the proposed use itself. The standards for Environmentally Sensitive Habitats (ESHA) require submittal of a biological report with the land use permit application, and require that development comply the following:

- New development shall not significantly disrupt the resource
- New development shall be limited to uses that are dependent upon the resource
- Where feasible, damaged habitats shall be restored
- Development shall be consistent with the biological continuance of the habitat
- Grading shall not occur within 100 feet of the ESHA, unless a setback adjustment is granted

The standards for streams and riparian vegetation require that adjacent development protect and be compatible with continuance of the habitat. In addition, streambed alterations and alteration of riparian habitat are not permitted except under limited circumstances, and riparian setbacks within urban areas are to be a minimum of 50 feet from the upland edge of riparian vegetation, unless the riparian habitat setback is adjusted if specific findings can be made (in this case, a planning area standard in the Estero Area Plan specifies a 20-foot setback along Little Cayucos Creek).

A biological resources survey report and addendum were prepared for this project, as well as a report dealing with the riparian setback. The reports recommend mitigation measures that will reduce potential impacts on riparian habitat and biological resources to a level of insignificance. These measures include preparation of sedimentation and erosion control plan, various measures to reduce potential impacts to the California red-legged frog, and measures to protect the creek during construction. All of these measures are incorporated into the conditions of approval. Moreover, the proposed project does not involve any alteration to Little Cayucos Creek or disturbance of riparian habitat. Although the proposed project is adjacent to an ESHA, not allowing a single-family residence or residential accessory use (principally permitted uses in the Residential Multi-Family land use category) could potentially constitute a taking under the 5th Amendment of the U.S. Constitution. Therefore, allowing a single-family residence or residential accessory use to be developed on the property is considered to be a reasonable use of the land (pursuant to Section 30010 of the Coastal Act).

Riparian Habitat Setback Adjustment

The proposed residence and driveway meet the 20-foot setback from the upland extent of riparian vegetation along Little Cayucos Creek, as required by a planning area standard in the Estero Area Plan (instead of the normally required 50-foot setback). However, because *temporary* excavation is proposed no closer than 18 feet from the edge of riparian vegetation--two feet beyond the required 20-foot setback--an adjustment to the required riparian setback is needed in order to comply with Coastal Zone Land Use Ordinance Section 23.05.034c. (which prohibits grading within 100 feet of an ESHA). An adjustment is included in this project pursuant to Coastal Zone Land Use Ordinance Section 23.07.174 in order to allow for reasonable use of the site. The temporary excavation is needed to comply with a requirement for a minimum five-foot area of over-excavation of soil adjacent to the proposed house foundation, as recommended in the soils engineering report update (GeoSolutions, Inc., January 16, 2006). However, according to a report from the biologist who has studied the site (Padre Associates, Inc., February 9, 2006), the proposed over-excavation extending two feet beyond the required setback would only involve temporary impacts to ruderal and ornamental species, as the soil would be recompacted and returned to pre-project conditions, given implementation of recommended avoidance and minimization measures such as silt fencing and construction fencing (see the following mitigation measures). Those temporary impacts are taken into account in the biologist's recommended avoidance and minimization measures. No permanent construction improvements will occur within the 20-foot riparian setback.

The requested adjustment is justified and is consistent with the findings for approving a riparian habitat setback adjustment (Coastal Zone Land Use Ordinance Section 23.07.174), because:

- An existing structure that encroaches on this site and that is owned by an adjacent owner makes it infeasible to relocate the proposed residence so that it strictly meets the required 20-foot riparian setback, while meeting the required setback between structures.
- Potential impacts will be temporary, and mitigation measures will be implemented, including:
 - preparation of a sedimentation and erosion control plan and installation of effective erosion and sedimentation control devices
 - installation of sturdy, visible fencing between the project and the riparian habitat, and implementation of various measures to reduce potential impacts to California red-legged frog in the event that water is present in Little Cayucos Creek
 - avoidance of the creek when conducting activities such as washing concrete, paint, and equipment, and refueling and maintaining vehicles
 - removal from the site of all construction debris and trash that may attract predators
- The adjustment is necessary in order to allow development of a reasonably sized, principally permitted use of the property.

The adjustment allows temporary excavation two feet beyond the required 20-foot setback, which is the minimum amount that would allow for location of the principally permitted dwelling in accordance with the required building setbacks.

Does the project meet applicable CZLUO standards? Yes, as conditioned.

COASTAL PLAN POLICIES:

The project is consistent with the Local Coastal Plan. The most relevant policies follow.

Shoreline Access: ☒ Policy No. 2: New Development

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats:

- ☒ Policy No. 1: Land Uses Within or Adjacent to Environmentally Sensitive Areas
- ☒ Policy No. 20: Coastal Streams and Riparian Vegetation
- ☒ Policy No. 21: Development in or Adjacent to a Coastal Stream
- ☒ Policy No. 28: Buffer Zone for Riparian Habitats

Agriculture: N/A

Public Works: N/A

Coastal Watersheds:

- ☒ Policy 7: Siting of new development
- ☒ Policy 8: Timing of new construction
- ☒ Policy 10: Drainage Provisions

Visual and Scenic Resources: ☒ Policy 2: Site Selection for New Development

Hazards: ☒ Policy 1: New Development

Archaeology: ☒ Policy 1: Protection of Archaeological Resources
Policy 4: Preliminary Site Survey
Policy 5: Mitigation Techniques for Preliminary Site Survey before Construction

Air Quality: N/A

COASTAL PLAN POLICY DISCUSSION:

Shoreline Access

Policy 2, New Development: the proposed project is consistent with this policy that new development provide maximum public access from the nearest public roadway to and along the shoreline, with exceptions, because the proposed residence is not between the first public road and the shoreline and will not interfere with public access to the coast.

Environmentally Sensitive Habitats

Policy 1, Land Uses Within or Adjacent to Environmentally Sensitive Areas; Policy 20, Coastal Streams and Riparian Vegetation; Policy No. 21, Development in or Adjacent to a Coastal Stream; Policy No. 28: Buffer Zone for Riparian Habitats: the proposed project is consistent with these policies to protect coastal streams and riparian vegetation, prevent significant impacts to the resource and habitat, and provide specified stream setbacks. No alteration of the creek or riparian vegetation will occur, and mitigation measures are incorporated into the conditions of approval that will reduce potential impacts on riparian habitat and biological resources to a level of insignificance. In addition, a riparian habitat setback adjustment is justified to allow a *temporary* excavation no closer than 18 feet from the edge of riparian vegetation--two feet beyond the required 20-foot setback--in order to comply with recommendations of the soils engineering report while allowing reasonable use of the site.

Coastal Watersheds:

Policy 7, Siting of new development: the proposed project is consistent with this policy because the new residence will be located on an existing lot of record in the Residential Multi-Family category.

Policy 8, Timing of new construction: the proposed project is consistent with this policy, because if grading is to occur or left unfinished between October 15 through April 15, the project is required to have an erosion and sedimentation control plan, and all sedimentation and erosion control measures will be in place before the start of the rainy season.

Policy 10, Drainage Provisions: the proposed project is consistent with this policy because the project is required to have a drainage plan that shows that the construction of the new residence will not increase erosion or runoff.

Visual and Scenic Resources

Policy 2, Site Selection for New Development: the proposed project is consistent with this policy because the proposed single family residence will not interfere with public views to the ocean.

Hazards

Policy 1, New Development: the proposed project is consistent with this policy to locate and design new development to minimize risks to human life and property, because the proposed single family residence will be required to comply with required drainage and flood hazard and related standards, including preparation of a drainage and sedimentation and erosion control plans, elevation of the ground floor at least one foot above the 100-year storm flood profile level, and implementation of "best management practices."

Archaeology

Policy 1, Protection of Archaeological Resources, Policy 4, Preliminary Site Survey, and Policy 5: Mitigation Techniques for Preliminary Site Survey before Construction: the proposed project is consistent with these policies to protect known and potential archaeological resources, and to require a preliminary site survey and mitigation. A qualified professional conducted Phase I and supplemental Phase I archaeological surface surveys that did not find evidence of cultural resources. However, the conditions of approval of this project include monitoring by a qualified archaeologist during grading and earth disturbing activities (see preceding discussion under *Coastal Zone Land Use Ordinance Standards, Section 23.07.104: Archaeologically Sensitive Area*).

Does the project meet applicable Coastal Plan Policies? Yes, as conditioned.

PLANNING AREA STANDARDS:

Cayucos Urban Area: Communitywide #2: Setbacks – Communitywide (Morro Rock View)

	Required Setback	Proposed Setback	Status
Front (n/w corner)	10'	22'	O.K.
Side	3' ¹	west side: 7' north side: 70' east side: 23',	O.K. O.K. O.K. ²
Rear	5	20'	O.K.

1. side setback adjacent to creek superseded by 20' coastal stream setback

2. adjustment for temporary excavation to within 18' of riparian vegetation

Cayucos Urban Area: Combining Designations: Sensitive Resource Area #1: Setbacks – Coastal Streams

Proposed structures exceed the required 20-foot setback from the outer limits of riparian vegetation along Little Cayucos Creek. As allowed by this planning area standard, an adjustment to the required setback is included in this project in order to allow temporary excavation no closer than 18 feet from the riparian vegetation (see preceding discussion under *Coastal Zone Land Use Ordinance Standards, Section 23.07.170 et seq.: Environmentally Sensitive Habitats*).

Cayucos Urban Area: RMF #2: Height limitation

The proposed building height of approximately 26 feet is within the maximum building height of 28 feet, as measured from average natural grade (finished grade if the building site needs to be elevated to comply with flood hazard standards).

COMMUNITY ADVISORY GROUP COMMENTS:

The Land Use Committee of the Cayucos Citizens Advisory Council reviewed and generally supported the proposed project, provided that the measurement of the riparian setback is clarified by the proper agencies (as to whether it is measured from riparian vegetation or top of bank), and that no merger or lot consolidation will occur (sic). Since riparian vegetation is present adjacent to Little Cayucos Creek, the required setback is measured from the upland extent of riparian vegetation. Regarding lot merger or consolidation, a condition of approval requires that the two lots comprising this site be combined (the eastern lot is mainly comprised of the creek and riparian vegetation) so as to result in a single building site. This, together with the required riparian setback, would preclude the eastern lot from being sold or developed. Presumably, this was the intent of the Land Use Committee's comment about lot consolidation.

AGENCY REVIEW:

Public Works: Recommend approval; need sedimentation and erosion control plan; curb, gutter and sidewalk required on D Street frontage; finished floor of house to be certified as a minimum of one foot above 100-year flood elevation (26 feet NGVD per FEMA map 338c)

Morro Rock Mutual Water Company: "conditional will-serve" water letter issued

Cayucos Sanitary District: "conditional will-serve" letter issued

Cayucos Fire Protection District: driveway and hammerhead turnaround must be posted 'no parking;' CC&R to be recorded for emergency access; driveway must be maintained to support load of 20 tons at 25 miles per hour with an all-weather driving surface no less than 20 feet wide.

California Coastal Commission: no comments submitted prior to preparation of this staff report

LEGAL LOT STATUS:

The existing lots were created by a recorded map and have been determined to be legal (Lots 7 and 8, Block 4, Town of Cayucos). In any case, the conditions of approval require that a lot combination agreement or Voluntary Merger be completed prior to final inspection.

Staff report prepared by Mike Wulkan and reviewed by Matt Janssen

EXHIBIT A - FINDINGS

Negative Declaration

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. A Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 6, 2006 for this project (ED05-060). Mitigation measures are proposed to address cultural resources and noise, and are included as conditions of approval.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan, because a single-family residence is an allowable use, and as conditioned, is consistent with all of the General Plan policies, including policies for environmentally sensitive habitats, coastal watersheds, visual and scenic resources, hazards, and archaeology.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use, because the construction of a single-family residence does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development, because it is a single-family residence that is similar in nature to, and will not conflict with, the surrounding lands and residential uses in the Residential Multi-Family land use category.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project, because the proposed single family dwelling will take access from D Street, a local road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and will not inhibit access to the coastal waters and recreation areas.

Archaeology

- H. The project design and development incorporate adequate measures to ensure protection of significant archaeological resources, because archaeological surface surveys did not find evidence of cultural resources. However, due to the presence of a recorded archaeological site in close proximity to this site, the conditions of approval of this project include monitoring by a qualified archaeologist during grading and earth disturbing activities. In addition, the project is conditioned to protect archaeological resources in the event that they are unearthed or discovered during construction.

Sensitive Resource Area and Environmentally Sensitive Habitat: Streams and Riparian Vegetation

- I. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because no alteration of the creek or riparian vegetation will occur, mitigation measures are incorporated into the conditions of approval that will reduce potential impacts on riparian habitat and biological resources to a level of insignificance, and a riparian habitat setback adjustment is justified to allow a *temporary* excavation no closer than 18 feet from the edge of riparian vegetation.
- J. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the proposed structure is set back from the riparian vegetation in excess of the required setback, and because the project is designed and conditioned to minimize potential impacts on the creek and its riparian vegetation, while allowing for reasonable use of the site.
- K. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because no riparian vegetation will be removed, site disturbance will be minimized, and erosion control and sedimentation measures are required, as are best management measures to control polluted runoff.
- L. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because, as conditioned, the project will comply with the recommendations of the soils engineering reports, meets drainage and erosion control standards specified by the County Public Works, and will include best management practices to control polluted runoff.
- M. There will be no significant negative impact to the identified sensitive habitat, and the proposed use will be consistent with the biological continuance of the habitat, because no alteration of the creek or riparian vegetation will occur, the proposed structure will be set back from the riparian vegetation in excess of the required riparian habitat setback, mitigation measures are incorporated into the conditions of approval that will reduce potential impacts on riparian habitat and biological resources to a level of insignificance, and a riparian habitat setback adjustment is justified to allow a *temporary* excavation no closer than 18 feet from the edge of riparian vegetation.

- N. The project or use will not significantly disrupt the habitat, because it is a single-family residence that will be set back from the riparian vegetation in excess of the required riparian habitat setback, there will be no alteration of the creek or riparian vegetation, and mitigation measures are incorporated into the conditions of approval that will reduce potential impacts on riparian habitat and biological resources to a level of insignificance.

Adjustment

- O. Alternative locations and routes are infeasible or more environmentally damaging, because an existing structure on this site that is owned by an adjacent owner makes it infeasible to relocate the proposed residence so as to strictly observe the required 20-foot riparian setback during temporary excavation for the proposed single family dwelling.
- P. Adverse environmental effects are mitigated to the maximum extent feasible, because potential impacts will be temporary, and mitigation measures will be implemented through the conditions of approval, including:
- preparation of a sedimentation and erosion control plan and installation of effective erosion and sedimentation control devices
 - installation of sturdy, visible fencing between the project and the riparian habitat, and implementation of various measures to reduce potential impacts to California red-legged frog in the event that water is present in Little Cayucos Creek
 - avoidance of the creek when conducting activities such as washing concrete, paint, and equipment, and refueling and maintaining vehicles
 - removal from the site of all construction debris and trash that may attract predators
- Q. The adjustment is necessary in order to allow development of a reasonably sized single family dwelling--a principally permitted use of the property--and redesign of the proposed development would not allow the use with the standard setbacks, as the project has already been redesigned to minimize the encroachment into the riparian habitat during *temporary* excavation.
- R. The adjustment is the minimum that would allow for the establishment of a principal permitted use, because it allows a *temporary* excavation two feet beyond the required 20-foot setback, which is the minimum amount that would allow for location of the principally permitted dwelling in accordance with the required building setback from an existing accessory structure owned by the owner of an adjacent property.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes:
 - a. development of a two-story, approximately 2,500 square-foot single-family dwelling, including an attached garage;
 - b. an off-site driveway and turn-around area on Assessor Parcel Nos. 064-034-012 (owned by the applicant) and 064-034-013 (written permission from the owner on file in the Planning and Building Department);
 - c. an adjustment pursuant to Coastal Zone Land Use Ordinance Section 23.07.174 of the required riparian setback from Little Cayucos Creek to allow temporary excavation no closer than 18 feet from the edge of riparian vegetation--two feet beyond the required 20-foot setback

There shall be no cutting, alteration or disturbance of the existing riparian zone (within 20 feet from the upland extent of riparian vegetation along Little Cayucos Creek as shown on the attached map) during or after construction, except for temporary over-excavation of soil adjacent to the proposed house foundation, as recommended in the soils engineering report update (GeoSolutions, Inc., January 16, 2006), to occur no closer than 18 feet from the upland extent of riparian vegetation. The applicant understands that any removal of riparian vegetation outside of the area authorized by this Minor Use Permit is subject to Sections 23.03.040 and 23.07.174 of the Coastal Zone Land Use Ordinance. These sections require that Minor Use Permit approval must be obtained prior to the removal/ disturbance of riparian vegetation.

2. All development shall be consistent with the approved site plan, floor plans, elevations, and landscape plan.

Conditions required to be completed at the time of application for construction permits

Site Development

3. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations.
4. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties, and so as to avoid direct lighting of adjacent Little Cayucos Creek and surrounding habitat. Light hoods shall be dark colored.

Drainage

5. **At the time of application for construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department. The plan shall contain, at a minimum:

- a. The limits of the 100-year flood inundation and any other flood hazard combining designation information. The 100-year flood elevation is 26 feet NGVD per FEMA map 338c.
- b. Best management practices (BMPs) to address polluted runoff. BMPs shall be consistent with the guidance found in documents such as the *California Storm Water Best Management Practices Handbook (Municipal)*. Such measures shall include, but not be limited to: minimizing the use of impervious surfaces (e.g. installing pervious driveways and walkways--driveways to comply with requirements of the Cayucos Fire Protection District), directing runoff from roofs and drives to vegetative strips before it leaves the site, and/or managing runoff on the site. The BMPs shall include measures to minimize post-development loadings of total suspended solids.

Geology and Soils

6. **At the time of application for construction permits**, the construction plans shall include as notes all applicable recommendations of the *Soils Engineering Report Update, Lots 7 and 8, D Street, APN: 064-034-011, Cayucos Area, San Luis Obispo County, California* (GeoSolutions, Inc, January 16, 2006). Those recommendations shall be incorporated into the design of the project.

Biological Resources

7. **At the time of application for construction permits**, the "Project Limits" shall be clearly delineated on all construction plans.

Conditions to be completed prior to issuance of a construction permit

Public Works

8. The following road improvements shall be constructed under an inspection and checking agreement and encroachment permit issued by the county Engineering Department to be completed or bonded for **prior to issuance of a construction permit**.
 - a. Curb, gutter and sidewalk improvements shall be constructed along the D Street frontage of Assessor Parcel 064-034-012.
9. **Prior to issuance of a construction permit**, improvement and other plans for the required curb, gutter and sidewalk improvements shall be prepared in accordance with the San Luis Obispo County Standard Improvement Specifications and drawings by a registered civil engineer and submitted to county Public Works for review and approval under inspection and checking agreements. The applicant's engineer, upon completion of the improvements, must certify to County Public Works that the improvements are made in accordance with the approved plans.

Landscaping

10. **Prior to issuance of a construction permit**, submit a final landscape plan to the Planning and Building Department for review and approval that shows the location, type, number, and size of proposed plant materials that are on the county-approved plant list or approved by the Planning Director.

Services

11. Prior to issuance of a construction permit, the applicant shall submit to the Development Review staff evidence from the Cayucos Sanitary District that they will serve the proposed project, and that all of their requirements, including payment of fees, have been met.

Fire Safety

12. **Prior to issuance of a construction permit**, the applicant shall provide the county Department of Planning and Building with a fire safety plan approved by the Cayucos Fire Protection District. The fire safety plan shall include, but not be limited to the following requirements of the Cayucos Fire Protection District:
 - a. The driveway and hammerhead turnaround must be posted “no parking.”
 - b. Emergency access shall be assured through a recorded instrument.
 - c. The driveway shall be of an all-weather driving surface no less than 20 feet wide, and shall be maintained to support an imposed load of 20 tons at 25 miles per hour.

Drainage/Biological Resources

13. **Prior to issuance of construction permit**, in order to prevent runoff into and sedimentation within Little Cayucos Creek, a sedimentation and erosion control plan shall be prepared in accordance with the requirements of Coastal Zone Land Use Ordinance Section 23.05.036 so that project sediment is prevented from reaching the creek. At a minimum, the sedimentation and erosion control plan shall include the following provisions: **prior to any construction work beginning, including any vegetation clearing**, straw wattles (or comparably effective devices, as determined by the environmental monitor), shall be placed on the downslope sides of the proposed work to direct flows into temporary sedimentation basins. **During construction and after all larger storm events**, this shall be checked and maintained regularly. Remedial work shall be done immediately after discovery so sedimentation control devices remain in good working order.

Cultural Resources

14. **Prior to issuance of construction permit**, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:
 - a. List of personnel involved in the monitoring activities;
 - b. Description of how the monitoring shall occur;
 - c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - d. Description of what resources are expected to be encountered;
 - e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered “significant” archaeological resources?);
 - f. Description of procedures for halting work on the site and notification procedures;
 - g. Description of monitoring reporting procedures.

Conditions to be completed prior to any construction work beginning

Biological Resources

15. **Prior to any construction work beginning, including any vegetation clearing**, sturdy high-visibility fencing shall be installed to protect riparian vegetation and to prevent inadvertent impacts to Little Cayucos Creek. This fencing shall be placed as far away as possible and no closer than 20' from the edge of existing riparian vegetation (no closer than 18 feet adjacent to the proposed house foundation).
16. **Prior to any work beginning, in the event water is present in Little Cayucos Creek**, a qualified biologist shall conduct an employee orientation program to inform all construction personnel of the following: the occurrence and distribution of the California red-legged frog and other sensitive wildlife species in the project area, measures being implemented to protect sensitive resources during the project, and applicable definitions and prohibitions under the State and Federal Endangered Species Acts.
17. **Prior to any work beginning**, erosion and sedimentation control devices shall be installed in accordance with the approved sedimentation and erosion control plan, and **during construction**, shall be regularly maintained (see the preceding mitigation measure regarding preparation of an erosion and sedimentation control plan).
18. **Immediately prior to any work beginning and prior to installation of exclusionary fencing, in the event that water is present in Little Cayucos Creek**, a qualified biologist approved by the Environmental Coordinator shall conduct surveys for California red-legged frogs and submit the results to the County Environmental Coordinator. If red-legged frogs are found nearby, barrier fencing shall be installed between the work area and their habitat. This fencing shall be keyed into the ground and maintained throughout the construction period. As needed or applicable, this fencing shall be coordinated with other temporary exclusionary fencing and sedimentation and erosion control fencing.
19. **Immediately prior to any work beginning**, temporary exclusionary fencing (silt fencing) shall be installed along the perimeter of the construction impact area to deter wildlife from moving into the work area

Conditions to be completed during project construction

Flood Hazard

20. **Prior to approval of the foundation inspection and prior to pouring footings or retaining walls**, a licensed surveyor or civil engineer shall certify the finished floor elevation as being a minimum of one foot above the 100-year flood elevation, which is 26 feet NGVD per FEMA map 338c.

Building Height

21. The maximum height of the project shall be 28 feet from average natural grade. If fill material needs to be placed on the building site in order to comply with the flood hazard standards in Chapter 23.07 of the Coastal Zone Land Use Ordinance, then height shall be measured from finished grade.
 - a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).

- b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
- c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Biological resources

- 22. **During construction and in the event that water is present in Little Cayucos Creek**, a qualified biological monitor experienced with red-legged frogs and approved by the Environmental Coordinator shall be retained to survey for red-legged frogs each morning before work begins within the "Project Limits," and shall periodically monitor construction activities to ensure that impacts are minimized. In the event any red-legged frogs are found within or adjacent to the "Project Limits," work shall cease, and will not be allowed near the frogs' location(s) until they move on their own outside of and away from the "project limits." The U.S. Fish and Wildlife Service shall also be contacted, and any additional measures that the Service recommends shall be implemented.
- 23. **During construction**, activities such as washing concrete, paint, and equipment, and refueling and maintaining vehicles, shall take place in designated areas at least 50 feet from Little Cayucos Creek. Hay bales, sandbags and sorbent pads shall be kept on hand to prevent water and/or spilled fuel from entering the creek. Construction equipment shall be inspected daily by the operator to ensure that equipment is in good working order and free of fuel or oil leaks.
- 24. **During construction**, all trash that may attract predators shall be contained and regularly removed from the site. **Prior to final inspection**, all trash and construction debris shall be removed from the site.

Archaeology

- 25. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

Conditions to be completed prior to final building inspection

Landscaping

- 26. **Prior to final inspection**, landscaping in accordance with the approved landscaping plan shall be installed or bonded for. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.

Offsite Access

27. **Prior to final inspection**, the applicant shall record a Declaration of Restrictive Covenant to provide for a future, minimum 20-foot wide easement for access to Assessor Parcel 064-034-011 over Assessor Parcel 064-034-012 that corresponds to the driveway alignment shown on the approved site plan for this Minor Use Permit.
28. **Prior to final inspection**, the applicant shall record a private easement on Assessor Parcel 064-034-013 that corresponds to the driveway and turnaround as shown on the approved site plan for this Minor Use Permit or as otherwise approved by the Cayucos Fire Protection District.

Lot Consolidation

29. **Prior to final inspection**, the applicant shall either a) complete a Voluntary Merger of the two underlying lots comprising this site (Lots 7 and 8, Block 4, Town of Cayucos), or b) execute and record a covenant and agreement restricting use of property in a form approved by County Counsel, agreeing to use of the two underlying lots as a "single site" and restricting the conveyance thereof under Title 23 of the County Code.

Fire Safety

30. **Prior to occupancy or final inspection, whichever occurs first**, the applicant shall obtain final inspection and approval from Cayucos Fire Protection District for all required fire/life safety measures.

Biological Resources

31. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first)**, the biologist/biological monitor shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Archaeology

32. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first)**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

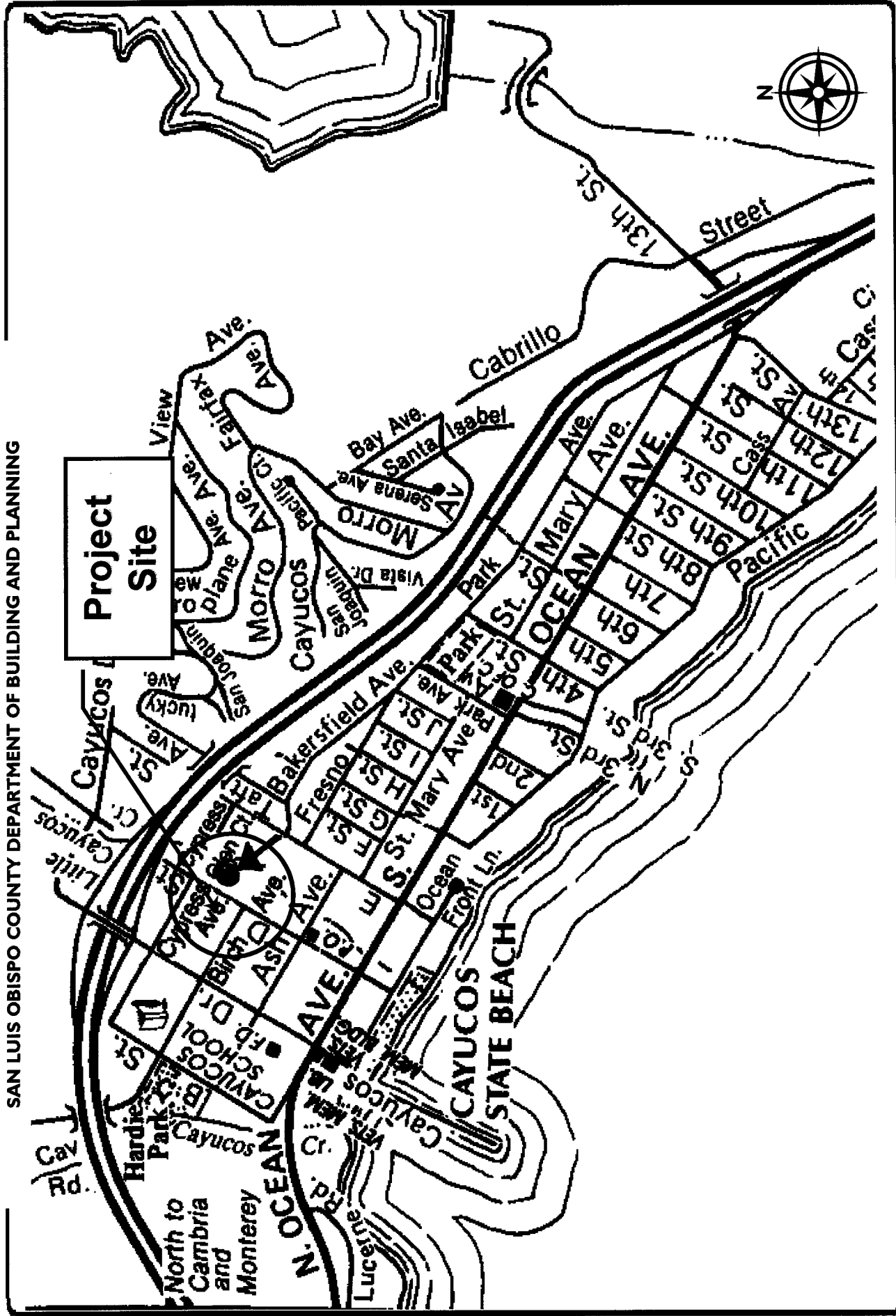
Miscellaneous

33. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the County Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

34. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Coastal Zone Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Coastal Zone Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

35. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.



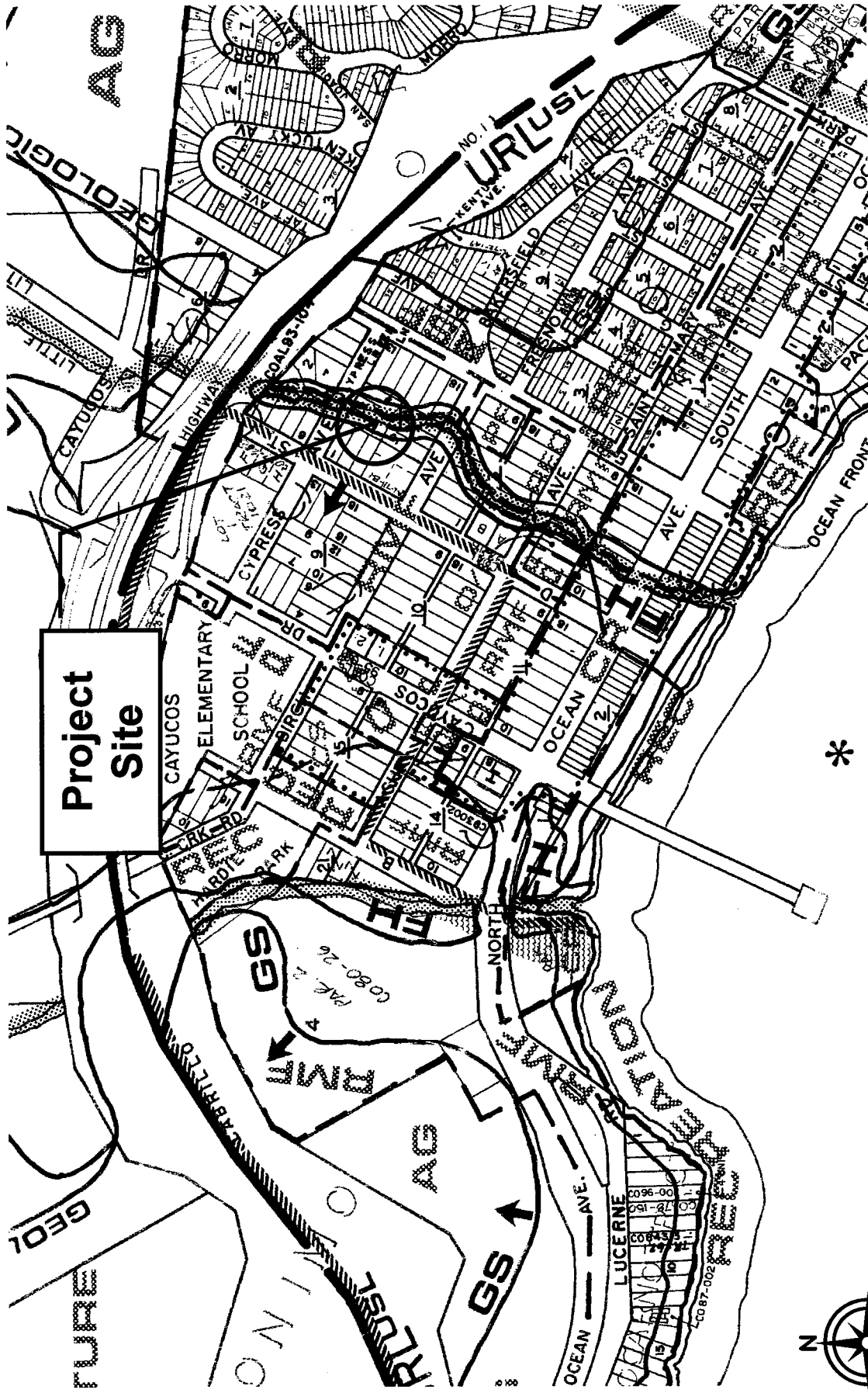
PROJECT

Minor Use Permit
Batty DRC2004-00111



EXHIBIT

Cayucos Vicinity



PROJECT

Minor Use Permit
Batty DRC2004-00111



EXHIBIT

Land Use Category Map

**Project
Site**



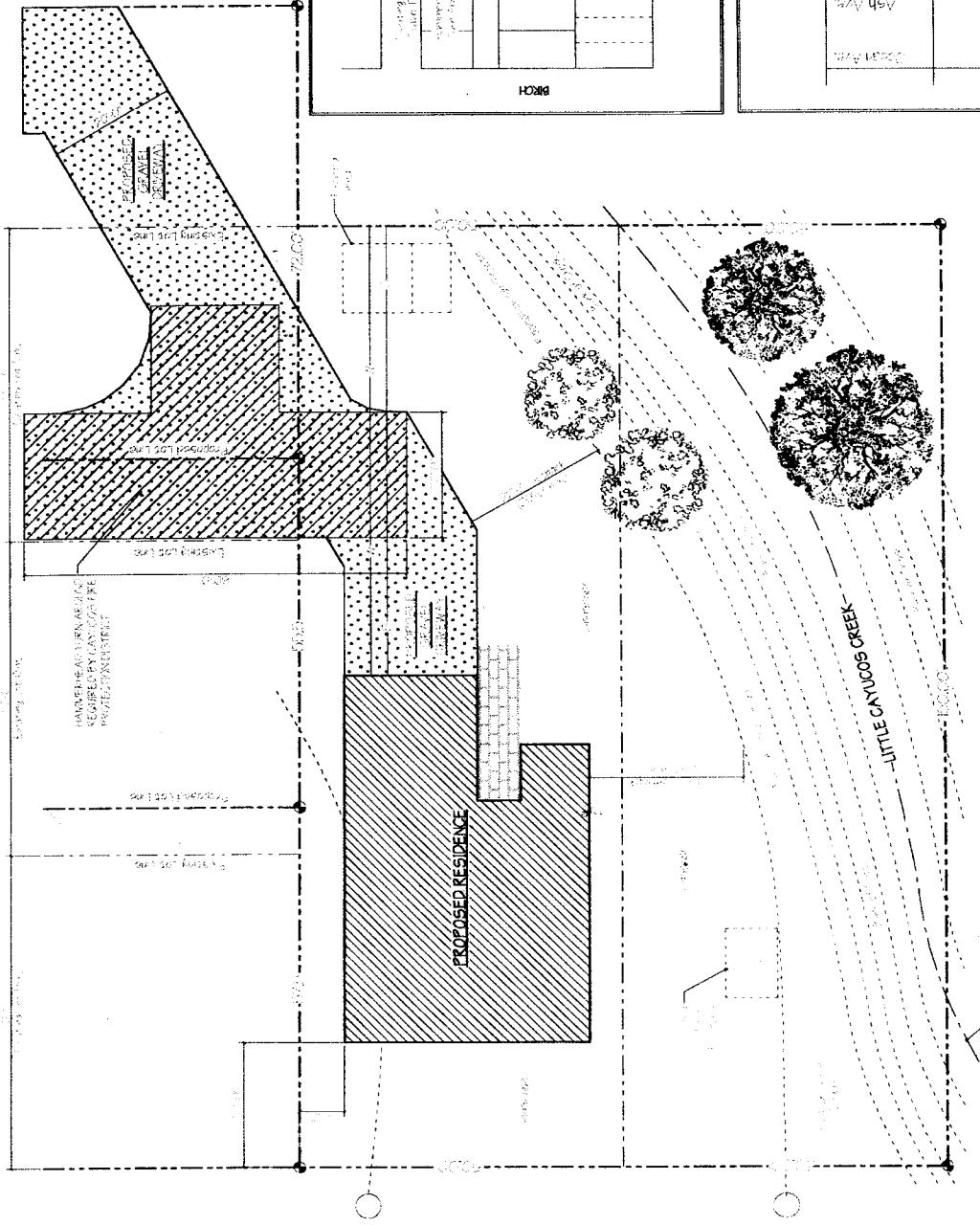
EXHIBIT

Aerial Photo



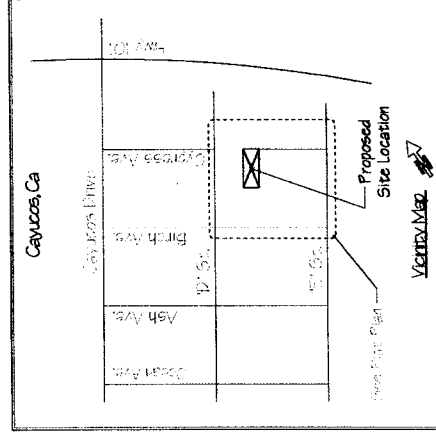
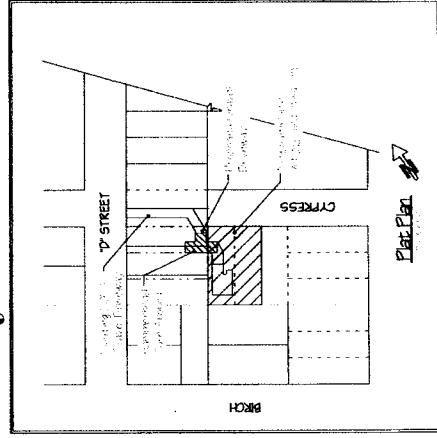
PROJECT

Minor Use Permit
Batty DRC2004-00111



Site Plan
Scale: 1/4" = 10'

Notes: 1. All dimensions are approximate and subject to change. 2. All dimensions are to be confirmed by the owner and the engineer.



PROJECT

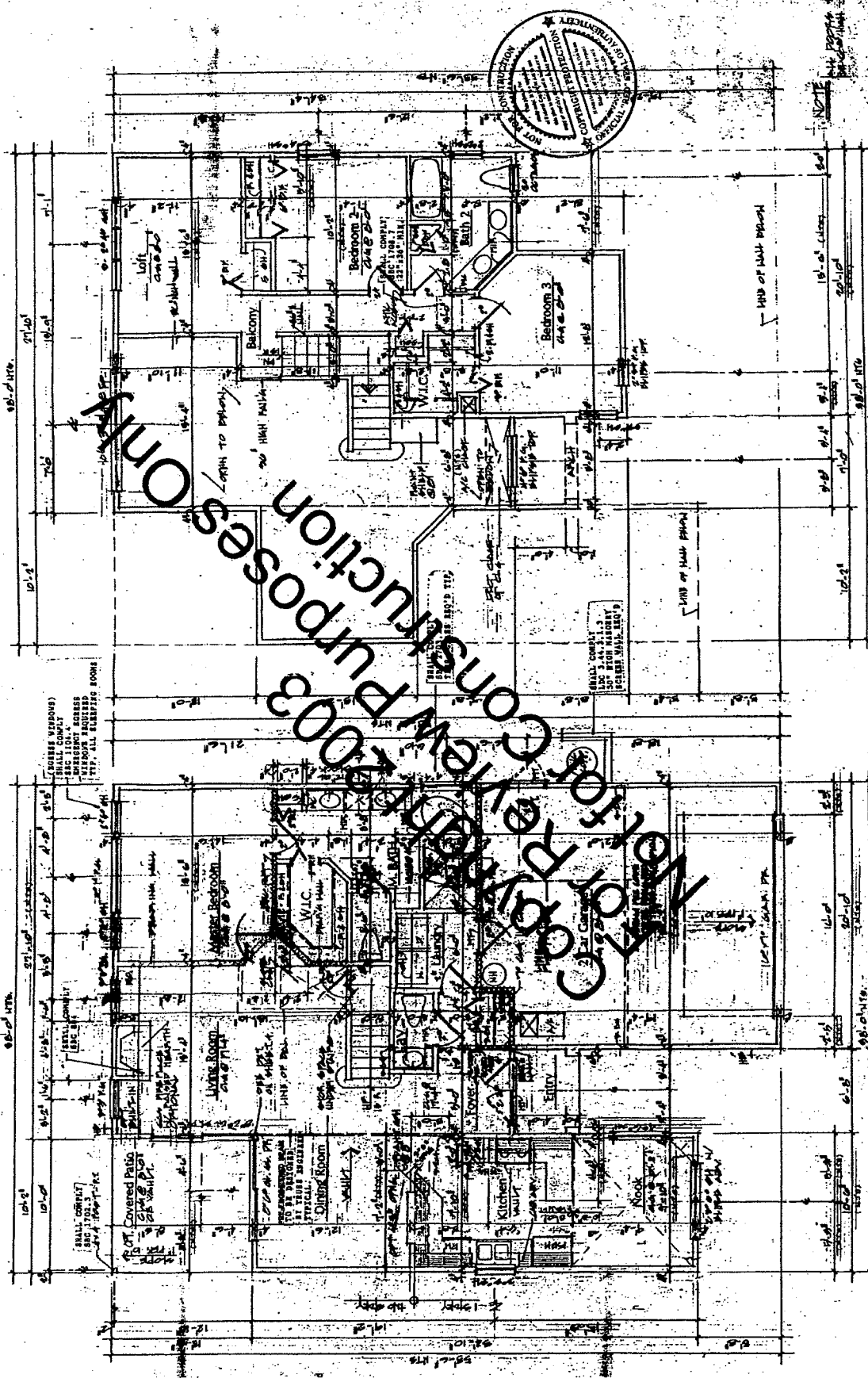
Minor Use Permit
Batty DRC2004-00111



EXHIBIT

Site Plan

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



First Floor Plan
1/4"=1'-0"

Second Floor Plan
1/4"=1'-0"

NOTE: THIS PLAN IS NOT TO SCALE

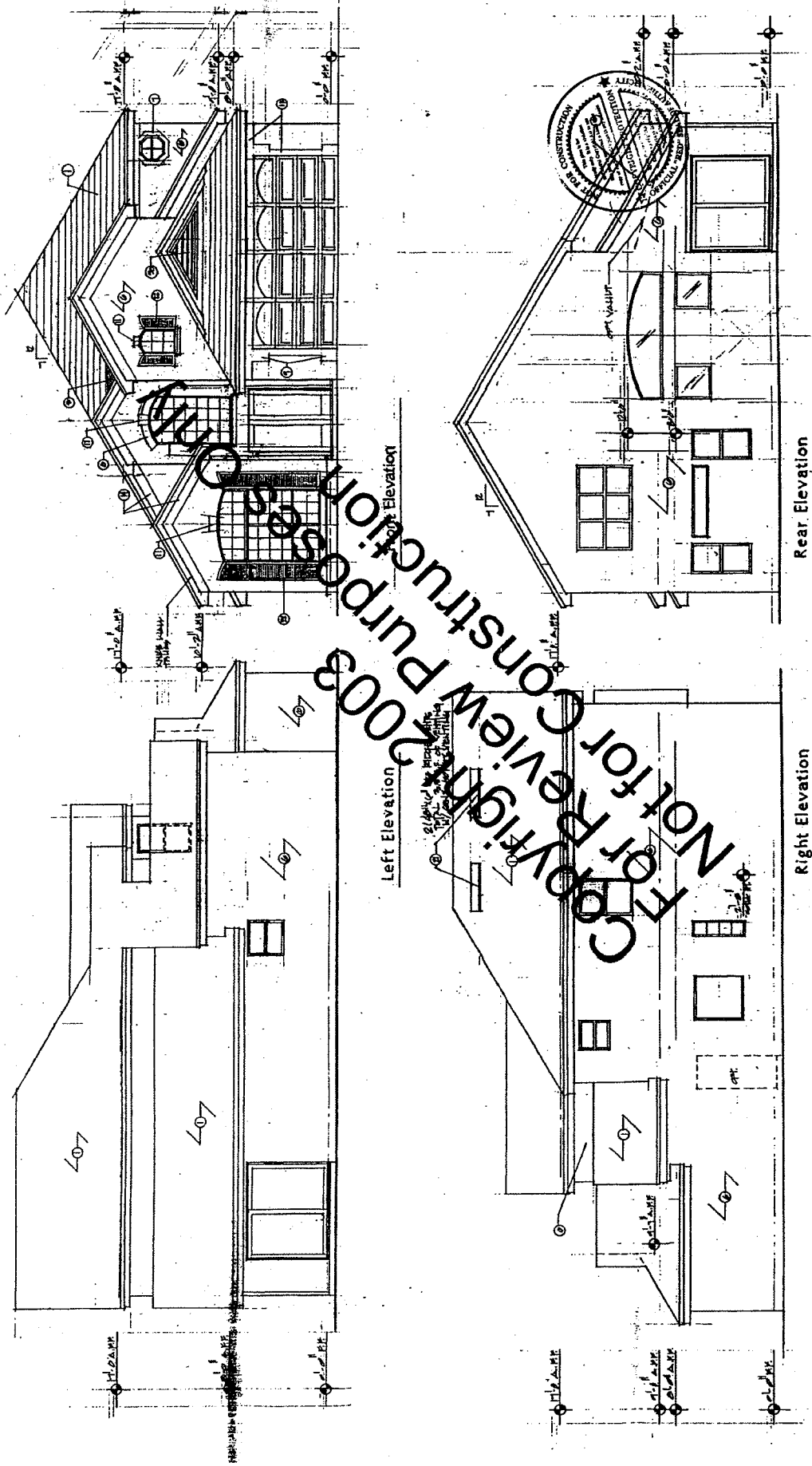
PROJECT

Minor Use Permit
Batty DRC2004-00111

EXHIBIT



Floor Plans



PROJECT

Minor Use Permit
Batty DRC2004-00111

EXHIBIT

Elevations





SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

DEC - 1

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

11/30/04

FROM

PW

FROM
76

Coastal Team

(Please direct response to the above)

BATTY

DRC 2004-00111

Project Name and Number

Development Review Section (Phone: 788-2009)

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNER)

PROJECT DESCRIPTION:

mup → to build 2,486 sq. ft. SFR.
Off "D" St. in Cayucos. APN: 064-034-011
Lot size - 100 x 150. At Cypress Ave. corner.

Return this letter with your comments attached no later than:

12/15/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Recommend Approval - NEED SEDIMENTATION & EROSION CONTROL PLAN.
CG & SW will be required on "D" street frontage. Finish Floor of
House will need to be certified as a min of one ft above 100 yr
Flood Elev. 100 yr Flood in this Area is 26 ft NGVD per FEMA MAP 338c.

17 Dec 2004
Date

Goodwin
Name

5252
Phone

Memo

To: Coastal Team Planners

From: Mary Ann Carnegie* *Mac*

CC:

Date: 02/02/05

APN-064-034-011

Re: Project ID #DRC2004-00111,

Andrew Batty Corner of Cypress & D St. .

After reviewing the above mentioned project the Land Use Committee's main concerns were regarding the side setbacks of a minimum of 3ft. and the 7ft. on the other side, that these could perhaps be shifted some to fit better. However, being within the riparian area also was discussed and it was questioned as to if it is being marked from the outer limits of riparian vegetation or from the top of the stream bank where no riparian vegetation exists. It was and also is the committee's understanding that this may be adjusted through procedure in the CZLUO. What was unclear though, based on the drawings, was what is the actual distance?

An additional concern was to definitely make sure that this particular lot or lots would not be a merger lot consolidation. We on the committee and in the community feel very strongly about this and would definitely like to be informed of these issues.

Likewise, the plans are shown as being done in 1991 and are not for construction so would want to make sure of what is really being proposed today with more current plans on file or at least updated to incorporate all current changes/codes/etc. The plans sent were basically unreadable to make any good decisions.

Recommendations:

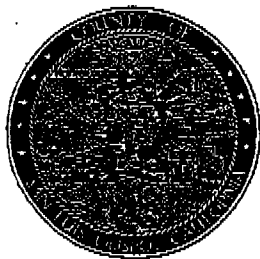
The Land Use Committee would basically approve the project if the issue of the riparian distance is clarified by the proper agencies. AND to make sure that no lot merger, consolidation would occur. The committee would also like to be notified of what is determined on this project for future reference to possible other projects.

Submitted by: Cayucos Land Use Committee

*995-3659 or email ecarnegi@calpoly.edu

DREN

Street, Cay



MW

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

DATE:

11/30/04

TO:

~~P.R. Beach #20 Asst~~ CAYUOS
FIRE PROT DIST BATTY

FROM:

Coastal Team
(Please direct response to the above)

DRC 2004-00111
Project Name and Number

Development Review Section (Phone:

788-2009

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNERS)

PROJECT DESCRIPTION:

mup -> to build 2,486 sq. ft. SFR.
Off "D" St. in Cayuods APN: 064-034-011
Lot size - 100 x 150. At Cypress Ave. corner.

Return this letter with your comments attached no later than:

12/15/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

X
YES

(Please go on to Part II)

NO

(Call me ASAP to discuss what else you need. We have only 30 days in which
we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

X
YES

(Please go on to Part III)

NO

(Please describe impacts, along with recommended mitigation measures to
reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of
approval you recommend to be incorporated into the project's approval, or state reasons for
recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

ING DRIVEWAY AND HAMERHEAD TURNAROUND MUST BE POSTED NO PARKING
C.R. RECORDED GIVING EMERGENCY ACCESS. DRIVEWAY MUST BE
MAINTAINED TO SUPPORT IMPOSED LOAD OF 20 TONS AT 75 MPH AND
WEATHER DRIVING SURFACE - NO LESS THAN 20 FT. WIDE.

Bill Rourke
Name

995-3372
Phone

CAYUCOS SANITARY DISTRICT

200 Ash Avenue

P.O. Box 333, Cayucos, California 93430-0333

805-995-3290 Fax 805-995-3673

R. Enns, President
C. Bell, Jr., Vice-President
H. Fones, Director
N. Raimondo, Director
B. Gibeaut, Director

Conditional Will-Serve Letter

To: San Luis Obispo County Planning Department
From: Cayucos Sanitary District
Date: 9/15/2005

Applicant Name: **ANDREW M BATTY**
Address: **398 D ST**
City, State, Zip: **CAYUCOS, CA. 93430-1154**

Project Number: **PRE2004-00003**

Project Address: **CYPRESS GLEN**

Assessors Parcel Number: **064-034-011** LOT: **7 & 8** BLK: **4** TRACT: **CAY**

Project Description: **SFR**

Date of Issue: **10/29/2004** Expiration Date: **10/28/2005** Extention **10/28/2006**

We have reviewed the proposed project development and are aware of its potential effect upon the facilities and property (including easements) controlled by the District.

We have reviewed the plans and have determined there are conditions placed on the development as follows:

* WILL-SERVE PERTAINS TO PLANS DATED 9-6-90, WITH REVISIONS 9-14-90 & 1-2-91, RECEIVED BY THE DISTRICT 8/20/2004 AND TO NO OTHERS.*** SEE ATTACHED CONDITIONS

* Installation of sewer backflow prevention device per District standards

* Cleanout at property line

* Easement exists

* Other: _____

* All District conditions shall be reflected on the plans.

* A Final Will-Serve Letter shall be issued when all conditions (above) have been met; final will-serve fees have been paid; and physical connection (at owners expense) has been made and inspected by the District. The County shall not allow final occupancy until they have received a Final Will-Serve Letter issued by the District.

We will serve this proposed development with our community sewer system facilities and solid waste disposal services so long as the applicant complies with our conditions (above) and connection requirements, including payment of all applicable sewer will-serve fees in effect at the time of connection. A 48 hour notice requesting sewer inspection by the District is required.

Approved By: _____

Supervisor, Operations and Maintenance

Date: _____

9/15/05

RECEIVED

OCT 07 2005

Planning & Bldg

DEC 2004 0011 MTW

Andrew M Batty
Project: Cypress Glen Lot 7 & 8
APN 064-04-011

Dated: 9/15/2005
October 29, 2004

Re: Extension to 10/28/2006
RE: Plans dated 9-6-90

Other conditions placed on this project:

1. The applicants shall provide a recordable agreement in a form acceptable to District Counsel providing that upon any future sale which severs ownership of APN 064-034-012 from APN 064-034-011, an easement will be reserved and/or granted for the portion of the lateral on APN 064-034-012. Said agreement shall include an indemnification provision substantially in the following form: the applicant, his successors and assigns shall indemnify and hold harmless the District and its officers, officials, employees and agents from and against any and all liability, loss, damage, expense, costs (including, without limitation, costs and fees of litigation) of every nature arising out of or in connection with the installation and/or location of the subject sewer lateral, except such loss or damage which was caused by the proven sole negligence or willful misconduct of District.
2. The applicant shall provide a proposed sewer plan for the new lateral tie-in and sewer line alignment serving APN 064-034-011, subject to the approval of the District.
3. Based on No. 2, if determined that the new lateral tie-in and sewer line alignment will encroach into the District's sewer easement, applicant will be required to apply and be approved for a Grant of License (encroachment permit) with the District.

MORRO ROCK MUTUAL WATER COMPANY

P.O. BOX 757, CAYUCOS, CA, 93430

PH: (805) 995-3766 FAX: (805) 995-0953

PRE2004-00003

KOB/MW

CONDITIONAL WILL SERVE

Andrew Batty
398 D Street
Cayucos, CA 93430

December 28, 2004

APN: 064-034-011 LOTS: 7 & 8 BLOCK: 4 SUB: Town of Cayucos
TYPE OF PROJECT: Single Family Residence

Dear Sir or Madam:

This is a Conditional Will Serve letter. Beginning in 1998, a Retrofit Rebate Fee was included in charges for new connections.

The following conditions have been met and are subject to the availability of water.

1. Proof of an application for a Building Permit or a Developmental Use Permit.
2. Payment of \$200 non-refundable application fee.
Payment of \$1000 deposit for 5/8" water connection
Payment of \$1200 Retrofit Rebate Fee, for each residential equivalency and part thereof.

TOTAL DEPOSIT OF \$2400.

We must receive the following:

A Will-Serve letter, which will entitle the property owner to request installation of a water meter, will be issued when the following conditions have been met no later than December 31, 2005.

Proof of a San Luis County Building Permit or a Developmental Use Permit.

Payment of balance due of \$3200 for membership and a 5/8" connection fee, plus any other fees due the district.

Failure to meet any of these deadlines will result in a forfeiture of your conditional Will-Serve letter as well as your priority on the Will-Serve eligibility list.

Sincerely,



Lori Mozden, Administrative Supervisor
Morro Rock Mutual Water Company



MW

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

11/30/04

TO:

Cayun FPD Morro Rock Marina

BATTY

FROM:

Coastal Team

(Please direct response to the above)

DRC 2004-00111

Project Name and Number

Development Review Section (Phone:

788-2009

*OR ASK THE SWITCH-
BOARD FOR THE PLANNING

PROJECT DESCRIPTION:

MUR -> to build 2,486 sq. ft. SFR.
Off "D" St. in Cayuness. APN: 064-034-011
Lot size - 100 x 150. At Cypress Ave. corner.

Return this letter with your comments attached no later than:

12/15/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

WE WILL PROVIDE WATER SERVICE TO THIS PROJECT SUBJECT
TO RECEIPT OF ALL FEES DUE

12-9-04
Date

GEORGE BURETT
Name

995-3766
Phone



COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY (MW)

ENVIRONMENTAL DETERMINATION NO. ED05-060

DATE: July 6, 2006

PROJECT/ENTITLEMENT: Batty Minor Use Permit DRC2004-00111

APPLICANT NAME: Andrew Batty

ADDRESS: 398 D Street, Cayucos CA 93430

CONTACT PERSON: Tracy Morgan

Telephone: 805-440-7419

PROPOSED USES/INTENT: Proposal by Andrew Batty for a Minor Use Permit/Coastal Development Permit to allow development of a two-story, approximately 2,500 square-foot single-family dwelling, including an attached garage, and an off-site driveway and turn-around area. The project also includes a request for an adjustment pursuant to Coastal Zone Land Use Ordinance Section 23.07.174 of the required riparian setback from Little Cayucos Creek by allowing temporary excavation no closer than 18 feet from the edge of riparian vegetation, two feet beyond the required 20-foot setback as specified in the Estero Area Plan

LOCATION: The project is located 150 feet east of D Street, south of Cypress Avenue, directly to the rear of 398 D Street in the community of Cayucos. The site is in the Estero Planning Area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: None

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT5 p.m. on July 20, 2006

20-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No.

This is to advise that the San Luis Obispo County _____ as ☐ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

Mike Wulkan

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency



San Luis Obispo County
Department of Planning and Building
environmental division

ENVIRONMENTAL DOCUMENT FILING FEE FORM

NOTICE: During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo

Date: July 6, 2006

County: San Luis Obispo

Project No. DRC2004-00111

Project Title: Batty Minor Use Permit

Project Applicant

Name: Andrew Batty

Address: 398 D Street

City, State, Zip Code: Cayucos, CA 93430

Telephone #: 805-995-2669

Please remit the following amount to the **County Clerk-Recorder:**

() Environmental Impact Report	\$ 850.00
(X) Negative Declaration	\$ 1250.00
(X) County Clerk's Fee	\$ <u>25.00</u>
Total amount due:	\$1275.00

AMOUNT ENCLOSED: _____

Checks should be made out to the "**County of San Luis Obispo**". Payment must be received by the County Clerk, 1055 Monterey Street, Room D-120, San Luis Obispo, CA 93408-2040, within two days of project approval.

NOTE: Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.



**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. Batty Minor Use Permit /Coastal Development Permit,
DRC2004-00111, ED 05-060

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water
<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input checked="" type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Mike Wulkan
Prepared by (Print)

Mike Wulkan
Signature

6-16-06
Date

Jeff Oliveira
Reviewed by (Print)

Jeff Oliveira
Signature

Ellen Carroll,
Environmental Coordinator
(for)

6/22/06
Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Andrew Batty for a Minor Use Permit/Coastal Development Permit to allow development of a new, two-story, approximately 2,500 square-foot single-family dwelling, including an attached garage, and an off-site driveway and turn-around area. The project also includes a request for an adjustment, pursuant to Coastal Zone Land Use Ordinance Section 23.07.174, of the required riparian setback from Little Cayucos Creek by allowing temporary excavation no closer than 18 feet from the edge of riparian vegetation, two feet beyond the required 20-foot setback as specified in the Estero Area Plan. The project will result in the disturbance of approximately 3,600 square feet of a 15,000 square-foot parcel, and disturbance of approximately 1,230 square feet of adjacent 12,750 and 7,500 square-foot parcels. The proposed project is within the Residential Multi-Family land use category and is located 150 feet east of D Street, south of Cypress Avenue, directly to the rear of 398 D Street in the community of Cayucos. The site is in the Estero planning area.

ASSESSOR PARCEL NUMBER(S): 064-034-011

SUPERVISORIAL DISTRICT # 2

B. EXISTING SETTING

PLANNING AREA: Estero, Cayucos

LAND USE CATEGORY: Residential Multi-Family, Recreation

COMBINING DESIGNATION(S): Local Coastal Plan/Program, Flood Hazard
, Archaeologically Sensitive, Streams Riparian Vegetation

EXISTING USES: Undeveloped , accessory structures

TOPOGRAPHY: Nearly level, prominent swale/creek coursing through property

VEGETATION: Riparian , ruderal , ornamental landscaping

PARCEL SIZE: 15,000 square feet

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Residential Multi-Family; undeveloped	<i>East:</i> Residential Multi-Family; residential
<i>South:</i> Residential Multi-Family; residential	<i>West:</i> Residential Multi-Family; residential

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST**

1.	AESTHETICS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	<i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	<i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located in an urban area, and will not be visible from any major public roadway or silhouette against any ridgelines as viewed from public roadways. The site is adjacent to existing residential development of a similar scale, and the project is considered compatible with the surrounding uses.

Impact. No significant visual impacts are expected to occur.

Mitigation/Conclusion. No mitigation measures are necessary.

2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located in an urban area in the Residential Multi-Family land use category. There are no existing or adjacent agricultural uses. As described in the Natural Resource Conservation Service Soil Survey, the soil types include Cropley clay, (2 - 9 % slope), the "non-irrigated" soil class is "III," and the "irrigated" soil class is "II."

Impact. The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity. No significant impacts to agricultural resources are anticipated.

Mitigation/Conclusion. No mitigation measures are necessary.

3. AIR QUALITY - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Air Pollution Control District (APCD) has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Impact. As proposed, the project will result in the disturbance of approximately 4,800 square feet. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

Mitigation/Conclusion. No mitigation measures are necessary.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	<i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	<i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	<i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	<i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Based on the latest California Natural Diversity Data Base, the following species or sensitive habitats were identified:

Plants: Jones's Layia (*Layia jonesii*) app. 0.2 miles northeast of the property; Miles's Milk Vetch (*Astragalus didymocarpus milesianus*) app. 0.3 miles northwest of the property; San Luis Obispo Serpentine Dudleya (*Dudleya abramsii bettinae*) app. 0.8 miles southeast of the property.

Wildlife: Monarch Butterfly (*Danaus Plexippus*); Southwestern Pond Turtle (*Emys (=Clemmys) marmorata pallida*) app. 0.2 miles northwest of the property, 0.8 miles southwest of the property, and 1.0 mile southwest of the property; California Red Legged Frog (*Rana aurora draytonii*) app. 0.2 miles northwest of the property; Tidewater Goby (*Eucyclogobius newberryi*) app. 0.2 miles northwest of the property, and 0.8 miles southeast of the property

Habitats: Potential Red Legged Frog (*Rana aurora draytonii*) Habitat app. 0.1 miles northwest of the property

A biological resources survey report and addendum were prepared for this site (Padre Associates, Inc., June 15, 2004 and July 6, 2005). In addition, a report was also prepared with regard to the riparian setback (Padre Associates, Inc., February 9, 2006). Based on a literature review, including the latest California Natural Diversity Data Base, and field surveys, the following habitats were observed on the proposed project: ruderal, riparian scrub along Little Cayucos Creek, consisting of a mixture of native and non-native plant species, and ornamental. 49 vascular plant species were identified on the site, most of them planted or non-native.. The biological report concludes that no special-status plant species have the potential to occur on the site. The riparian scrub habitat has the potential to support a variety of wildlife, including fish, amphibians, reptiles, and birds. Species observed on the site included several species of birds, one species of lizard, and the Pacific chorus frog. The biological report concludes that, in general, the site does not support suitable habitat for special-status wildlife species. However, there is potential for a number of nesting migratory bird species to occur, and there is also a low potential for federally threatened (and a California species of special concern) California red-legged frog to occur within Little Cayucos Creek during periods when water is present.

Impact. The biological report and its addendum, and the riparian setback report identify the following impacts:

Short-term: Runoff from the project site may create impacts to Little Cayucos Creek, but those impacts will be less than significant, because no work will take place within the creek channel, and recommended erosion control measures will reduce sedimentation to a less than significant level. Construction activities could adversely affect the California red-legged frog during periods when water is present; however, potential impacts will be reduced to a less than significant level, with implementation of recommended minimization measures to protect the creek in general and the red-legged frog in particular, recognizing that the project site is located outside of the riparian vegetation along Little Cayucos Creek.

Long-term: The impacts of increased activity by people and domestic animals on nesting migratory birds would be less than significant due to the surrounding residential uses and the availability of suitable nesting habitat within the region. Long-term impacts on habitat from construction of the proposed residence and driveway would not be significant, as the disturbance would be limited to previously disturbed areas containing ruderal habitat. Potential water quality impacts on Little Cayucos Creek from runoff would not be significant due to the proposed setback of about 50 feet from the proposed structure to the banks of the creek. Lighting of the creek area may impact birds and other wildlife, including the California red-legged frog, but those impacts will be reduced to a level of insignificance by a requirement regarding positioning and shielding of outdoor light fixtures.

The proposed residence and driveway meet the 20-foot setback from the upland extent of riparian vegetation along Little Cayucos Creek, as required by a planning area standard in the Estero Area Plan. The project includes an adjustment, pursuant to Coastal Zone Land Use Ordinance Section 23.07.174, of the required riparian setback from Little Cayucos Creek by allowing temporary excavation no closer than 18 feet from the edge of riparian vegetation, two feet beyond the required 20-foot setback as specified in the Estero Area Plan. This adjustment is requested due to the need for a minimum 5-foot area of over-excavation of soil adjacent to the proposed house foundation, as recommended in the soils engineering report update (GeoSolutions, Inc., January 16, 2006). However, according to a report from the biologist who has studied the site (Padre Associates, Inc., February 9, 2006), the proposed over-excavation extending two feet beyond the required setback would only involve temporary impacts to ruderal and ornamental species, as the soil would be recompacted and returned to pre-project conditions, given implementation of recommended avoidance and minimization measures such as silt fencing and construction fencing (see the following mitigation measures). Those temporary impacts are taken into account in the biologist's

recommended avoidance and minimization measures. No permanent construction improvements will occur within the 20-foot riparian setback.

Mitigation/Conclusion. The project will be required to incorporate the following measures to reduce potential biological impacts to less than significant levels, consistent with the recommendations of the biological report and addendum:

1. The applicant has agreed to not perform any cutting, alteration or disturbance of the riparian zone during or after construction, and to not perform any grading or development within the 20-foot setback from the upland extent of riparian vegetation along Little Cayucos Creek, during or after construction, except for temporary over-excavation of soil adjacent to the proposed house foundation, as recommended in the soils engineering report update (GeoSolutions, Inc., January 16, 2006), to occur no closer than 18 feet from the upland extent of riparian vegetation. The applicant understands that any removal of riparian vegetation outside of the area authorized by this Minor Use Permit is subject to Sections 23.03.040 and 23.07.174 of the Coastal Zone Land Use Ordinance. These sections require that Minor Use Permit approval must be obtained prior to the removal/ disturbance of riparian vegetation
2. The applicant has agreed to prepare a sedimentation and erosion control plan prior to issuance of a construction permit, and to install and maintain effective erosion and sedimentation control devices.
3. The applicant has agreed that all lighting fixtures shall be shielded so as to avoid direct lighting of adjacent Little Cayucos Creek and surrounding habitat.
4. The applicant has agreed to the following measures to reduce potential impacts to California red-legged frog in the event that water is present in Little Cayucos Creek:
 - a. surveys for California red-legged frogs conducted by a qualified biologist prior to construction
 - b. installation and maintenance of barrier fencing between the work area and the habitat of red-legged frogs if they are found nearby
 - c. periodic biological monitoring by a qualified biologist experienced with red-legged frogs to ensure impacts are minimized
 - d. cessation of construction until the frogs vacate the immediate work area in the event any are found, and implementation of additional measures recommended by the U.S. Fish and Wildlife Service
 - e. an employee orientation program for all construction personnel to be conducted prior to construction by a qualified biologist
5. The applicant has agreed to the following measures to be implemented prior to and during construction activities, as applicable:
 - a. install sturdy, visible fencing between the project and the riparian habitat, to remain in place during the entire construction phase
 - b. install and maintain effective erosion and sedimentation control devices in accordance with the approved sedimentation and erosion control plan

- c. conduct activities such as washing concrete, paint, and equipment, and refueling and maintaining vehicles, in designated areas at least 50 feet from Little Cayucos Creek; keep hay bales, sandbags and sorbent pads on hand to prevent water and/or spilled fuel from entering the creek; inspect construction equipment daily to ensure that equipment is in good working order and free of fuel or oil leaks
- d. contain and regularly remove from the site all trash that may attract predators, and remove all trash and construction debris from the site following construction

Based on the above discussion, impacts on biological resources are considered to be less than significant.

5. CULTURAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located in an area historically occupied by the Obispeno Chumash and Playano Salinan peoples. No historic structures are present and no paleontological resources are known to exist in the area.

Impact. A Phase I surface survey and supplemental Phase I surface survey were conducted for the property (Singer, January 24 and July 11, 2005). The supplemental survey included excavation of five holes and evaluation of the excavated soils. No evidence of cultural materials was noted on the property. However, a recorded archaeological site is in close proximity to this site (Singer, 1999), and archaeological resources could be encountered during excavation. Impacts to historic or paleontological resources are not expected.

Mitigation/Conclusion. No significant impacts to historic paleontological resources are expected, and no mitigation measures for those resources are necessary.

The proposed development is unlikely to impact prehistoric cultural resources. However, due to the close proximity of this site to known archaeological resources, the project will be required to incorporate monitoring by a qualified archaeologist during grading and earth disturbing activities. The applicant has agreed to that measure, and that will reduce potential impacts to prehistoric cultural resources to a level of insignificance.

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. GEOLOGY - The topography of the project is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. According to the Safety Element, the liquefaction potential during a ground-shaking event is considered high. Active faulting is known to exist near the subject property app. 2.0 miles to the south east. The project is not within a known area containing serpentine or ultramafic rock or soils. According to the soils engineering report and update prepared for this project (GeoSolutions, Inc., May 8, 2003 and January 16, 2006), the site contains moderately expansive soils, shallow groundwater, and undocumented fill and buried debris.

Any project within the Geologic Study area designation or within a high liquefaction area is subject to the preparation of a geological report per the County's Coastal Zone Land Use Ordinance (CZLUO) Section 23.07.080 to evaluate the area's geological stability relating to the proposed use. Geosolutions, Inc. prepared a soils engineering report update for the site that addresses liquefaction potential. The report concludes, based on boring and laboratory analysis, that the site is suitable for the proposed development, that liquefaction potential appears to be low, and that potential for seismically induced settlement and differential settlement is low, all provided that recommendations of the soils report are incorporated into the project. Those recommendations consist of specific measures regarding preparation of the building pad and paved areas, foundations, retaining walls, and pavement design. Those measures will be required with development.

DRAINAGE – The area proposed for development is within the 100-year Flood Hazard designation. The closest creek (Little Cayucos Creek) runs through the property. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered very poorly drained. For areas where drainage is identified as a potential issue, the Coastal Zone Land Use Ordinance (Sections 23.05.050 and 23.07.060) includes provisions to prepare a drainage plan, including flood hazard information, in order to minimize potential drainage and flooding impacts. This plan will be required and will need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan will also need to show that the increased surface runoff would have no more impacts than that caused by historic flows. The proposed residential structure will be also subject to the Flood Hazard Area standards of the Coastal Zone Land Use Ordinance. Those standards include a requirement that the ground floor be constructed at least one foot above the 100-foot storm flood profile level, which in this case is 26 feet NGVD per FEMA map 338c

SEDIMENTATION AND EROSION – The soil types include: Cropley clay, (2 - 9 % slope). As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility and high shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (Coastal Zone Land Use Ordinance Section 23.05.036) to minimize these impacts. The plan is required in this case due to proximity to Little Cayucos Creek and also in order to minimize biological impacts (see preceding discussion of impacts and mitigation measures under preceding Item #4, Biological Resources). The plan is to be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Implementation of best management practices is required per Coastal Zone Land use Ordinance Section 23.05.050e(1). Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension that monitors this program.

Impact. As proposed, the project will result in the disturbance of approximately 4,800 square feet and exposure of the proposed dwelling to potential flood hazards and sedimentation and erosion impacts.

Mitigation/Conclusion. The proposed residential structure will be subject to Coastal Zone Land Use Ordinance standards to protect life and property against potential flooding, and to minimize potential drainage and sedimentation and erosion control impacts. In addition, the project will be required to implement the recommendations of the soils engineering report. There is no evidence that measures above what will already be required by ordinance or codes are needed.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Interfere with an emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose people to safety risk associated with airport flight pattern?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create any other health hazard or potential hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not located in an area of known hazardous material contamination. The project is not within a high severity risk area for fire. The project is not within the Airport Review area.

Impact. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels that exceed the County Noise Element thresholds?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generate increases in the ambient noise levels for adjoining areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to severe noise or vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located approximately 375 feet from the centerline of Highway 1, the closest transportation noise source identified in the *Noise Element* of the County General Plan. According to the Noise Element, the future noise level at the site will be below the 60 dB threshold. The project is located within a residential area, is not in close proximity of any other loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences). Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

Impact. The project is not expected to generate loud noises, nor conflict with the surrounding uses.

Mitigation/Conclusion. No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting The project is located in the Residential Multi-Family land use category. However, development of multi-family dwellings that could provide opportunities for affordable housing on this site in compliance with ordinance requirements for riparian setbacks and parking and open space would be difficult to achieve due to limited usable site area and proximity to the Little Cayucos Creek. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other public facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project area is served by the County Sheriff's Department and the Cayucos Fire Protection District as the primary emergency responders. The Cayucos Fire Protection District station is approximately 0.5 miles southeast of the site. The closest Sheriff substation is in Los Osos, which is approximately 13 miles from the proposed project. The project is located in the Cayucos Elementary School District.

Impact. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. Public facility (county) and school (State Government Code 65995 et seq) fee programs have been adopted to address the project's direct and cumulative impacts, and will reduce the impacts to less than significant levels.

11. RECREATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County Trails Plan shows that a potential trail does not go through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource.

Impact. The proposed single-family dwelling will not create a significant need for additional park or recreational resources.

Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

**12. TRANSPORTATION/
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Future development will access onto the following public road(s): D Street, a paved local street, and ultimately Ocean Avenue, a paved collector street. Ocean Avenue and all other collector road segments in Cayucos are operating at acceptable levels, and are expected to operate at acceptable levels at buildout under the proposed Estero Area Plan, according to the certified Final EIR for the area plan update. A referral was sent to the Public Works Department, and no significant traffic-related concerns were identified.

Impact. The proposed project is estimated to generate about 10 trips per day, based on the Institute of Traffic Engineer's manual of 10 trips per day per unit. This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels.

Mitigation/Conclusion. No significant traffic impacts were identified, and no mitigation measures are necessary.

13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project will generate approximately 175 gallons per day of effluent. The project proposes to connect to the existing community sewer system, the effluent from which is treated at the Morro Bay treatment plant.

Impact. A conditional "will-serve" letter has been received from the Cayucos Sanitary District. According to the certified Final EIR for the Estero Area Plan update, there is sufficient wastewater treatment plant capacity at the Morro Bay treatment plant, both today and at buildout under the proposed Estero Area Plan, considering wastewater flow from both Cayucos and Morro Bay.

Mitigation/Conclusion. No significant wastewater impacts were identified, and no mitigation measures are necessary.

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project will use a total of about 0.2254 acre-feet of water per year. The project is to connect to a community water system operated by the Morro Rock Mutual Water Company. The water purveyor may participate in the proposed Lake Nacimiento water project in order to obtain supplemental water.

The topography of the project is nearly level, up to the banks of Cayucos Creek, which flows through the property. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility.

Impact. The Morro Rock Mutual Water Company has issued a "conditional will-serve" letter. If supplemental water is needed to serve future buildout within Cayucos, the water purveyor has the ability to participate in the proposed Lake Nacimiento water project.

As proposed, the project will result in the disturbance of approximately 4,800 square feet. No grading is proposed other than that for an approximately 60 by 36-foot driveway/turnaround area and excavations for footings and a foundation. A sedimentation and erosion control plan is required (Coastal Zone Land Use Ordinance Section 23.05.036) to minimize impacts to Little Cayucos Creek. The plan is to be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Implementation of best management practices is required per Coastal Zone Land use Ordinance Section 23.05.050e(1).

Mitigation/Conclusion. Since no potentially significant water quantity or quality impacts were identified, no specific measures above standard requirements have been determined necessary. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed single-family residential use is compatible with the surrounding uses, because they are low-intensity uses consisting of primarily single-family dwellings.

The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Coastal Zone Land Use Ordinance, Local Coastal Plan, Safety Element, etc.).

The project includes an adjustment, pursuant to Coastal Zone Land Use Ordinance Section 23.07.174, of the required riparian setback from Little Cayucos Creek by allowing temporary excavation no closer than 18 feet from the edge of riparian vegetation, two feet beyond the required 20-foot setback as specified in the Estero Area Plan. This adjustment is requested, because 1) a minimum 5-foot area of over-excavation of soil adjacent to the proposed house foundation is needed, as recommended in the soils engineering report update (GeoSolutions, Inc., January 16, 2006), and 2) the proposed residence is located as close as is allowable to the neighbor's existing shed, which encroaches onto this site. According to a report from the biologist who has studied the site (Padre Associates, Inc., February 9, 2006), the proposed over-excavation extending two feet beyond the required setback would only involve temporary impacts to ruderal and ornamental species, as the soil would be recompacted and returned to pre-project conditions, given implementation of recommended avoidance and minimization measures such as silt fencing and construction fencing. Those temporary impacts are taken into account in the biologist's recommended avoidance and minimization measures. No permanent construction improvements will occur within the 20-foot riparian setback.

The requested adjustment is justified and is consistent with the findings for approving a riparian habitat setback adjustment (Coastal Zone Land Use Ordinance Section 23.07.174), because:

- An existing structure owned by an adjacent owner makes it infeasible to relocate the proposed residence so as to strictly observe the required 20-foot riparian setback.
- Potential impacts will be temporary, and mitigation measures will be implemented, including:
 - preparation of a sedimentation and erosion control plan and installation of effective erosion and sedimentation control devices
 - installation of sturdy, visible fencing between the project and the riparian habitat, and implementation of various measures to reduce potential impacts to California red-legged frog in the event that water is present in Little Cayucos Creek
 - avoidance of the creek when conducting activities such as washing concrete, paint, and equipment, and refueling and maintaining vehicles
 - removal from the site of all construction debris and trash that may attract predators
- The adjustment is necessary in order to allow development of a reasonably sized, principally permitted use of the property.
- The adjustment allows temporary excavation two feet beyond the required 20-foot setback, which is the minimum amount that would allow for location of the principally permitted dwelling in accordance with the required building setbacks.

Referrals were sent to outside agencies to review for policy consistencies (e.g., Cayucos Fire Protection District for Fire Code). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input type="checkbox"/>	County Environmental Health Division	Not Applicable
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input type="checkbox"/>	Air Pollution Control District	Not Applicable
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input checked="" type="checkbox"/>	CA Coastal Commission	None
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input type="checkbox"/>	CA Department of Forestry	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Transportation	None
<input type="checkbox"/>	Community Service District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>Cayucos Advisory Council, Cayucos Fire Protection District</u>	Attached
<input checked="" type="checkbox"/>	Other <u>Cayucos Sanitary District, Morro Rock Mutual Water Co.</u>	In File**

**** "No comment" or "No concerns"-type responses are usually not attached**

The following checked (☒) reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input checked="" type="checkbox"/> Estero Area Plan and Update EIR
<u>County documents</u>	<input type="checkbox"/> Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input checked="" type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	<input type="checkbox"/> Other _____
<input type="checkbox"/> Real Property Division Ordinance	
<input checked="" type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Supplemental Phase I Survey Report for 398 D Street in Cayucos, San Luis Obispo County, California [APN 064-034-011], C.A. Singer & Associates, Inc., July 11, 2005

Cultural Resources Survey and Impact Assessment for a Property at 398 D Street in Cayucos, San Luis Obispo County, California [APN 064-034-011], C.A. Singer & Associates, Inc., January 24, 2005

Archaeological Phase II Testing at Site SLO-1914/H, Cayucos, CRMS, August 11, 2000

Cultural Resources Survey and Impact Assessment for a Residential Property on Birch Avenue in Cayucos, San Luis Obispo County, California [APN 064-034-033/004/005/008], C.A. Singer & Associates, Inc., June 22, 1999

Riparian Setback Determination for the Batty Development Project, Cayucos California, Padre Associates, Inc., February 9, 2006

Addendum to the Biological Resources Survey for the Batty Development Project, Cayucos, California, Padre Associates, Inc., July 6, 2005

Results of Biological Resources Survey for the Batty Development Project, Cayucos, California, Padre Associates, Inc., June 15, 2004

Soils Engineering Report Update, Lots 7 and 8, "D" Street, APN: 064-034-011, Cayucos Area, San Luis Obispo County, California, Project SLO3371-2, GeoSolutions, Inc., January 16, 2006

Soils Engineering Report, Lots 7 and 8, "D" Street, APN: 064-034-011, Cayucos Area, San Luis Obispo County, California, Project SLO3371-1, GeoSolutions, Inc., May 8, 2003

Exhibit B - Mitigation Summary Table

Biological Resources

There shall be no cutting, alteration or disturbance of the existing riparian zone (within 20 feet from the upland extent of riparian vegetation along Little Cayucos Creek as shown on the attached map) during or after construction, except for temporary over-excavation of soil adjacent to the proposed house foundation, as recommended in the soils engineering report update (GeoSolutions, Inc., January 16, 2006), to occur no closer than 18 feet from the upland extent of riparian vegetation. The applicant understands that any removal of riparian vegetation outside of the area authorized by this Minor Use Permit is subject to Sections 23.03.040 and 23.07.174 of the Coastal Zone Land Use Ordinance. These sections require that Minor Use Permit approval must be obtained prior to the removal/ disturbance of riparian vegetation.

At the time of application for construction permits, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties, and so as to avoid direct lighting of adjacent Little Cayucos Creek and surrounding habitat. Light hoods shall be dark colored.

Prior to issuance of a construction permit, the "Project Limits" shall be clearly delineated on all construction plans. **Prior to any construction work beginning, including any vegetation clearing**, sturdy high-visibility fencing shall be installed to protect riparian vegetation and to prevent inadvertent impacts to Little Cayucos Creek. This fencing shall be placed as far away as possible and no closer than 20' from the edge of existing riparian vegetation (no closer than 18 feet adjacent to the proposed house foundation). **During construction**, no construction work (including storage of materials) shall occur outside of the "Project Limits." Any required fencing shall remain in place during the entire construction period and be checked as needed by the environmental monitor.

Prior to issuance of construction permit, in order to prevent runoff into and sedimentation within Little Cayucos Creek, a sedimentation and erosion control plan shall be prepared in accordance with the requirements of Coastal Zone Land Use Ordinance Section 23.05.036 so that project sediment is prevented from reaching the creek. At a minimum, **prior to any construction work beginning, including any vegetation clearing**, straw wattles (or comparably effective devices, as determined by the environmental monitor), shall be placed on the downslope sides of the proposed work to direct flows into temporary sedimentation basins. **During construction and after all larger storm events**, this shall be checked and maintained regularly. Remedial work shall be done immediately after discovery so sedimentation control devices remain in good working order.

Prior to any work beginning, in the event water is present in Little Cayucos Creek, a qualified biologist shall conduct an employee orientation program to inform all construction personnel of the following: the occurrence and distribution of the California red-legged frog and other sensitive wildlife species in the project area, measures being implemented to protect sensitive resources during the project, and applicable definitions and prohibitions under the State and Federal Endangered Species Acts.

Immediately prior to any work beginning, temporary exclusionary fencing (silt fencing) shall be installed along the perimeter of the construction impact area to deter wildlife from moving into the work area

Immediately prior to any work beginning and prior to installation of exclusionary fencing, in the event that water is present in Little Cayucos Creek, a qualified biologist approved by the Environmental Coordinator shall conduct surveys for California red-legged frogs and submit the results to the County Environmental Coordinator. If red-legged frogs are found nearby, barrier fencing shall be installed between the work area and their habitat. This fencing shall be keyed into the ground and maintained throughout the construction period. As needed or applicable, this fencing shall be coordinated with other temporary exclusionary fencing and sedimentation and erosion control fencing.

Prior to any work beginning, erosion and sedimentation control devices shall be installed in accordance with the approved sedimentation and erosion control plan, and **during construction,** shall be regularly maintained (see the preceding mitigation measure regarding preparation of an erosion and sedimentation control plan).

During construction and in the event that water is present in Little Cayucos Creek, a qualified biological monitor experienced with red-legged frogs and approved by the Environmental Coordinator shall be retained to survey for red-legged frogs each morning before work begins within the "Project Limits," and shall periodically monitor construction activities to ensure that impacts are minimized. In the event any red-legged frogs are found within or adjacent to the "Project Limits," work shall cease, and will not be allowed near the frogs' location(s) until they move on their own outside of and away from the "project limits." The U.S. Fish and Wildlife Service shall also be contacted, and any additional measures that the Service recommends shall be implemented.

During construction, activities such as washing concrete, paint, and equipment, and refueling and maintaining vehicles, shall take place in designated areas at least 50 feet from Little Cayucos Creek. Hay bales, sandbags and sorbent pads shall be kept on hand to prevent water and/or spilled fuel from entering the creek. Construction equipment shall be inspected daily by the operator to ensure that equipment is in good working order and free of fuel or oil leaks.

During construction, all trash that may attract predators shall be contained and regularly removed from the site. **Prior to final inspection,** all trash and construction debris shall be removed from the site.

Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the biologist/biological monitor shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met

<p>Monitoring: Compliance will be verified by the Department of Planning and Building, in consultation with the Environmental Coordinator.</p>

Cultural Resources

Prior to issuance of construction permit, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:

- A. List of personnel involved in the monitoring activities;
- B. Description of how the monitoring shall occur;
- C. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
- D. Description of what resources are expected to be encountered;
- E. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
- F. Description of procedures for halting work on the site and notification procedures;
- G. Description of monitoring reporting procedures.

During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

<p>Monitoring: A letter shall be submitted by the consulting archaeologist. Compliance will be verified by the Environmental Coordinator in consultation with the Department of Planning and Building.</p>

June 16, 2006

**DEVELOPER'S STATEMENT FOR
ANDREW BATTYMINOR USE PERMIT/CDP
ED 05-060/DRC2004-00111**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

<p>Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.</p>
--

BIOLOGICAL RESOURCES

There shall be no cutting, alteration or disturbance of the existing riparian zone (within 20 feet from the upland extent of riparian vegetation along Little Cayucos Creek as shown on the attached map) during or after construction, except for temporary over-excavation of soil adjacent to the proposed house foundation, as recommended in the soils engineering report update (GeoSolutions, Inc., January 16, 2006), to occur no closer than 18 feet from the upland extent of riparian vegetation. The applicant understands that any removal of riparian vegetation outside of the area authorized by this Minor Use Permit is subject to Sections 23.03.040 and 23.07.174 of the Coastal Zone Land Use Ordinance. These sections require that Minor Use Permit approval must be obtained prior to the removal/ disturbance of riparian vegetation.

At the time of application for construction permits, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties, and so as to avoid direct lighting of adjacent Little Cayucos Creek and surrounding habitat. Light hoods shall be dark colored.

Prior to issuance of a construction permit, the "Project Limits" shall be clearly delineated on all construction plans. **Prior to any construction work beginning, including any vegetation clearing**, sturdy high-visibility fencing shall be installed to protect riparian vegetation and to prevent inadvertent impacts to Little Cayucos Creek. This fencing shall be placed as far away as possible and no closer than 20' from the edge of existing riparian vegetation (no closer than 18 feet adjacent to the proposed house foundation). **During construction**, no construction work (including storage of materials) shall occur outside of the "Project Limits." Any required fencing shall remain in place during the entire construction period and be checked as needed by the environmental monitor.

Prior to issuance of construction permit, in order to prevent runoff into and sedimentation within Little Cayucos Creek, a sedimentation and erosion control plan shall be prepared in accordance with the requirements of Coastal Zone Land Use Ordinance Section 23.05.036 so that project sediment is prevented from reaching the creek. At a minimum, **prior to any construction work beginning, including any vegetation clearing**, straw wattles (or comparably effective devices, as determined by the environmental monitor), shall be placed on the downslope sides of the proposed work to direct flows into temporary sedimentation basins. **During construction and after all larger storm events**, this shall be checked and maintained regularly. Remedial work shall be done immediately after discovery so sedimentation control devices remain in good working order.

Prior to any work beginning, in the event water is present in Little Cayucos Creek, a qualified biologist shall conduct an employee orientation program to inform all construction personnel of the following: the occurrence and distribution of the California red-legged frog and other sensitive wildlife species in the project area, measures being implemented to protect sensitive resources during the project, and applicable definitions and prohibitions under the State and Federal Endangered Species Acts.

Immediately prior to any work beginning, temporary exclusionary fencing (silt fencing) shall be installed along the perimeter of the construction impact area to deter wildlife from moving into the work area

Immediately prior to any work beginning and prior to installation of exclusionary fencing, in the event that water is present in Little Cayucos Creek, a qualified biologist approved by the Environmental Coordinator shall conduct surveys for California red-legged frogs and submit the results to the County Environmental Coordinator. If red-legged frogs are found nearby, barrier fencing shall be installed between the work area and their habitat. This fencing shall be keyed into the ground and maintained throughout the construction period. As needed or applicable, this fencing shall be coordinated with other temporary exclusionary fencing and sedimentation and erosion control fencing.

Prior to any work beginning, erosion and sedimentation control devices shall be installed in accordance with the approved sedimentation and erosion control plan, and **during construction**, shall be regularly maintained (see the preceding mitigation measure regarding preparation of an erosion and sedimentation control plan).

During construction and in the event that water is present in Little Cayucos Creek, a qualified biological monitor experienced with red-legged frogs and approved by the Environmental Coordinator shall be retained to survey for red-legged frogs each morning before work begins within the "Project Limits," and shall periodically monitor construction activities to ensure that impacts are minimized. In the event any red-legged frogs are found within or adjacent to the "Project Limits," work shall cease, and will not be allowed near the frogs' location(s) until they move on their own outside of and away from the "project limits." The U.S. Fish and Wildlife Service shall also be contacted, and any additional measures that the Service recommends shall be implemented.

During construction, activities such as washing concrete, paint, and equipment, and refueling and maintaining vehicles, shall take place in designated areas at least 50 feet from Little Cayucos Creek. Hay bales, sandbags and sorbent pads shall be kept on hand to prevent water and/or spilled fuel from entering the creek. Construction equipment shall be inspected daily by the operator to ensure that equipment is in good working order and free of fuel or oil leaks.

During construction, all trash that may attract predators shall be contained and regularly removed from the site. **Prior to final inspection**, all trash and construction debris shall be removed from the site.

Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the biologist/biological monitor shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met

<p>Monitoring: Compliance will be verified by the Department of Planning and Building, in consultation with the Environmental Coordinator.</p>

CULTURAL RESOURCES

Prior to issuance of construction permit, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:

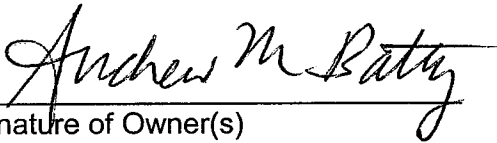
- A. List of personnel involved in the monitoring activities;
- B. Description of how the monitoring shall occur;
- C. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
- D. Description of what resources are expected to be encountered;
- E. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
- F. Description of procedures for halting work on the site and notification procedures;
- G. Description of monitoring reporting procedures.

During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

<p>Monitoring: A letter shall be submitted by the consulting archaeologist. Compliance will be verified by the Environmental Coordinator in consultation with the Department of Planning and Building.</p>

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.


Signature of Owner(s)

Date 6/21/06

Name of Owner – Print